IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: The April 5th, 2006
Criminal Misc. Bail Application No. 195 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Nayem S/o Shamim
R/o Imli road, Mahigiran
P.S. Kotwali Roorkee
District Haridwar …Applicants

Versus

State of Uttaranchal …Opposite Party

Arising out of Case of Crime No. 223 of 2005
Under Sections 363, 366, 368, 376 IPC & 3(2)(5) S.C.S.T. Act.
Police Station-Gang Naher Roorkee
District Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Sanjeev Singh learned counsel for the applicant and learned A.G.A. for the State

Perused the record. It was contended on behalf of the applicant that the girl was a consenting party. The age of the girl was 17 to 18 years at the time of occurrence. It was contended that there were sufficient opportunities to the victim to escape from the place when she was left alone and she could have sought the help from the other persons. The learned counsel for the applicant contended that she was taken from one place to other places and kept silent and did not make any hue and cry. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and tow sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 05.04.2006
LSR